

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 SS-15

NSC-05 H-01 PA-01 PRS-01 USIA-06 /063 W

-----181623Z 062428 /40

P R 181407Z MAY 77

FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 2953

INFO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: EAIR, FR, US

SUBJECT: CIVAIR: MEETING WITH DGAC

REF: PARIS 14362

1. SUMMARY-DISCUSSION MAY 17 WITH ESPEROU, ALSO ATTENDED BY CLAUDE-LAFONTAINE, CONFIRMED THAT TORONTO IS, INITIALLY AT LEAST, KEY TO GOF ACTION ON NATIONAL AIRLINES' AUTHORIZATION. GOF PREPARED LEAVE QUESTION OF CO-TERMINAL RIGHTS AT CHICAGO IN ABEYANCE. US-UK NEGOTIATIONS ARE ALSO DEFINITELY A FACTOR INFLUENCING GOF THINKING, THOUGH TO WHAT EXTENT REMAINS UNCERTAIN. NATIONAL WILL HAVE TO OPERATE FROM ORLY. DGAC WILL COMMIT ITSELF ONLY TO ISSUING NATIONAL'S AUTHORIZATION WITH TIME "PRIOR TO JUNE 22." WE DOUBT THAT DEMARCHE AT HIGHER LEVEL IN GOF WOULD HAVE ANY BENEFICIAL EFFECT. FIRST REQUIREMENT CLEARLY IS RAPID ACTION BY CAB ON TORONTO EXTENSION, AFTER WHICH WE CAN HAVE ANOTHER TRY AT ESPEROU. END SUMMARY

2. WE MET MAY 17 WITH ESPEROU OF DGAC AT HIS REQUEST. ALSO PRESENT WAS CLAUDE-LAFONTAINE OF FOREIGN MINISTRY.

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MEETING LASTED TWO HOURS, WITH DISCUSSION FOCUSING ON NATIONAL AIRLINES PROBLEM AND RELATED ISSUES.

3. ESPEROU INFORMED US AT THE OUTSET THAT TORONTO/NICE PROBLEM WAS FOREMOST AMONG THE BILATERAL CIVAIR PROBLEMS NOW PENDING. ONCE USG ACTED TO EXTEND AIR

FRANCE'S AUTHORIZATION AT TORONTO FOR ONE YEAR AS GOF HAD REQUESTED, THEN GOF WOULD BE PREPARED TO ACT ON NATIONAL AIRLINES' AUTHORIZATION TO SERVE PARIS. WE MUST REALIZE, HOWEVER, THAT NATIONAL'S APPLICATION POSED MANY DIFFICULTIES FOR THE GOF. DEPT.'S RECOMMENDATION TO CAB TO CONDITION NATIONAL SERVICE TO PARIS ON SUSPENSION OF NATIONAL'S SERVICE TO LONDON HAD SITUATED THE WHOLE PROBLEM SQUARELY IN THE CONTEXT OF THE US-UK NEGOTIATIONS. THIS MADE THINGS MOST DELICATE FOR THE FRENCH VIS-A-VIS THE BRITISH. ALSO, NATIONAL'S MIAMI-PARIS SERVICE WOULD DIVERT TRAFFIC FROM AIR FRANCE'S HOUSTON ROUTE AND POSED BROADER QUESTIONS CONCERNING THE BALANCE OF BENEFITS UNDER THE CIVAIR BILATERAL SINCE ONLY ONE FRENCH CARRIER WAS ENGAGED IN TRANSATLANTIC TRAFFIC.

4. WE CONFESSED THAT GOF'S LINKAGE OF TORONTO AND NATIONAL'S AUTHORIZATION DID NOT COME AS TOO GREAT A SURPRISE AS A TACTICAL MANEUVER, THOUGH WE PROFESSED SOME DISMAY THAT GOF HAD WAITED UNTIL THIS LATE DATE TO CONFRONT US WITH THIS BALD FACT. WE ADDED THAT ANYWAY WE COULD SIMPLY NOT ADMIT SUCH LINKAGE, SINCE GOF WAS INJECTING AN EXTRANEEOUS CONDITION PRECEDENT TO WHAT SHOULD BE STRAIGHTFORWARD COMPLIANCE IN DISCHARGE OF A CLEAR OBLIGATION UNDER THE BILATERAL. WE ACKNOWLEDGED THAT DGAC WAS CERTAINLY WITHIN ITS RIGHTS IN REQUESTING TECHNICAL DATA FROM THE CARRIER AND TAKING TIME TO PROCESS IT, THOUGH WE POINTED OUT THAT RELEVANT DGAC REGULATIONS SEEM NOWHERE TO REQUIRE LIMITED OFFICIAL USE

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SUBMISSION OF TRAFFIC PROJECTIONS WHICH, HOWEVER, DGAC HAD DEMANDED AND WHICH NATIONAL HAD PROMPTLY PROVIDED. FURTHERMORE, MOST OF THE POINTS NOW RAISED WITH US HAD ALREADY BEEN DISCUSSED AND, WE THOUGHT, SATISFACTORILY ANSWERED IN PREVIOUS TALKS WITH THE DGAC AND THE FOREIGN MINISTRY. HOWEVER, WE THEN WENT ON TO REBUT THESE POINTS USING THE SAME ARGUMENTS AS PREVIOUSLY.

4. AS CONCERNS THE DEPT.'S RECOMMENDATION TO THE CAB RE NATIONAL'S APPLICATION, WE STRESSED THAT IRRESPECTIVE OF WHAT THE DEPT. HAD RECOMMENDED THE USG POSITION TODAY WAS THAT WHICH HAD FINALLY BEEN HANDED DOWN BY THE CAB AND THAT WAS THE ONLY POSITION WITH WHICH THE GOF SHOULD BE CONCERNED. THIS REMARK PROMPTED BOTH ESPEROU AND CLAUDE-LAFONTAINE TO EMBARK ON LENGTHY DIGRESSION COMPLAINING OVER THE PRACTICAL DIFFICULTIES OF CONDUCTING CIVAIR RELATIONS WITH THE USG, SINCE WE SO OFTEN SEEMED TO SPEAK WITH MANY VOICES. CAB'S AUTONOMY AND SLOWNESS OF ITS PROCEDURES OFTEN POSED A

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NSC-05 H-01 PA-01 PRS-01 USIA-06 /063 W
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PROBLEM. ESPEROU CITED CANCUN AND TORONTO AS EXAMPLES.
CLAUDE-LAFONTAINE NOTED THAT BY COINCIDENCE OUR
NOTE TO FOREIGN MINISTRY DESIGNATING NATIONAL AND
FOREIGN MINISTRY'S INSTRUCTIONS TO FRENCH EMBASSY
WASHINGTON FOR DEMARCHE PROPOSING TORONTO
EXTENSION BORE THE SAME DATE, MARCH LL. YET WE WERE
EACH STILL WAITING FOR THE OTHER TO ACT.

5. WE INQUIRED WHETHER WE COULD CONCLUDE FROM ABSENCE
OF ANY RENEWED MENTION OF CO-TERMINAL RIGHTS
FOR CHICAGO THAT GOF WAS DISPOSED LEAVE THIS QUESTION
IN ABEYANCE UNTIL SOME FUTURE DATE WHEN FORMAL CONSULTA-
TIONS MIGHT BE HELD. ESPEROU SAID THIS WAS CORRECT.

6. WE NOTED THAT ESPEROU'S LINKAGE OF TORONTO AND
THE NATIONAL DOSSIER AMOUNTED TO ADMISSION THAT THE
GOF WAS IN FACT DRAGGING ITS FEET ON THE NATIONAL
AUTHORIZATION. SINCE HE HAD MENTIONED THE US-UK TALKS
IN THIS CONNECTION, WE ASKED POINTBLANK(STATE 104017)
WHETHER BRITISH WERE LARGELY RESPONSIBLE FOR THIS DELAY.
ESPEROU ANSWERED AT SOME LENGTH BUT WAS CAREFUL,
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DESPITE CONTINUED PROBING ON OUR PART, TO AVOID GIVING A CLEAR-CUT RESPONSE. GOF, HE SAID, WAS "NEUTRAL" OBSERVER TO US-UK TALKS, THOUGH LIKE MANY OTHER COUNTRIES FRANCE AWAITED THE OUTCOME WITH KEEN INTEREST. WHATEVER THE OUTCOME IT WAS CLEAR THAT THE CIVIL WORLD WOULD NOT BE QUITE THE SAME AFTER JUNE 23. THE GOF WAS DIRECTLY CONCERNED WITH THE US-UK TALKS INsofar AS THERE WAS UNCERTAINTY OVER WHERE US CARRIERS WOULD OPERATE IN THE EVENT OF A SUSPENSION OF US-UK AIR SERVICE. THEN TOO THERE WAS THE SPECIAL RELATIONSHIP BETWEEN FRANCE AND THE UK BECAUSE OF THE CONCORDE PROGRAM. IN SUM, HE SAID, THE US-UK TALKS DID HAVE A VERY DEFINITE BEARING ON THE GOF'S HANDLING OF THE NATIONAL DOSSIER, BUT HE WOULD NOT BE DRAWN INTO SPECIFICS.

7. IN THIS SAME CONTEXT, AND RECALLING THAT ESPEROU HAD LINKED TORONTO AND NATIONAL AT THE OUTSET, WE ASKED IF THE GOF'S AUTHORIZATION FOR NATIONAL WOULD BE FORTHCOMING IMMEDIATELY AFTER CAB ACTION ON TORONTO, ASSUMING IT WAS FAVORABLE. WITH SOME DIFFICULTY HE WAS FINALLY PINNED DOWN TO ADMITTING THAT NATIONAL'S AUTHORIZATION WOULD NOT NECESSARILY FOLLOW IMMEDIATELY AFTERWARDS. UPON HEARING THIS WE EXPRESSED ASTONISHMENT THAT HE COULD PRETEND TO POSE THE PROBLEM IN QUID PRO QUO TERMS (TORONTO FOR NATIONAL'S AUTHORIZATION) AND THEN ANNOUNCE THAT WHEN HE GETS THE QUID HE'LL WITHHOLD THE QUO. WHEN WE INSISTED ON KNOWING WHEN THE AUTHORIZATION WOULD BE ISSUED IF TORONTO EXTENSION WERE APPROVED IN THE MEANTIME, ESPEROU WOULD ONLY SAY THAT IN THESE CIRCUMSTANCES WE COULD EXPECT THE AUTHORIZATION SOMETIME "PRIOR TO JUNE 22."

8. ESPEROU SAID NATIONAL WOULD HAVE TO OPERATE FROM ORLY. THE GOF HAD DECIDED THAT CDG WAS TOO CROWDED TO PERMIT ANY ADDITIONAL CARRIERS TO OPERATE FROM THERE.

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WE CITED THE LEGAL ARGUMENTS CONTAINED IN PARAS G AND H OF STATE 78673, BUT ESPEROU AND CLAUDE-LAFONTAINE WERE UNMOVED. CLAUDE-LAFONTAINE REMARKED DRYLY THAT GOF HAD CITED THESE SAME ARTICLES IN SUPPORT OF CONCORDE LANDING RIGHTS AT JFK.

9. CLAUDE-LAFONTAINE WAS DISPOSED TO ELABORATE ON "TENSIONS" ALLEGED STILL TO EXIST BETWEEN THE US AND FRANCE OVER CONCORDE, BUT WE TOOK STRONG EXCEPTION TO

THIS IN THE LIGHT OF THE RECENT COURT DECISION ATTX
NEW YORK. WE FOUND ESPEROU MORE THAN WILLING NOT TO
SEE THIS TOPIC PURSUED.

10. WE INQUIRED WHETHER IN FACT IT WOULD BE "THE
MINISTER" WHO WOULD DECIDE ON NATIONAL'S AUTHORIZATION.
ESPEROU, INDULGING IN ANOTHER DIG AT THE CAB'S EXPENSE,
SAID THAT WE WERE FORTUNATE IN BEING ABLE TO DEAL
DIRECTLY WITH THE COURT OF LAST APPEAL ON THE FRENCH
SIDE, NAMELY, CLAUDE-LAFONTAINE AND HIMSELF. MINISTERIAL
APPROVAL WOULD BE A MERE FORMALITY, SINCE THE MINISTER
WOULD OBVIOUSLY HEED THE JOINT RECOMMENDATION OF THE
DGAC AND THE FOREIGN MINISTRY.

11. COMMENT: WE ASSUME THAT NATIONAL REPS ARE LIKELY
TO PERSIST IN URGING THAT A DEMARCHE NOW TO BE MADE
TO CAVAILLE. IN VIEW OF FOREGOING PARA, HOWEVER, WE
THINK THIS WOULD ONLY BE SO MUCH WASTED TIME AND EFFORT

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AND NEEDLESS SQUANDERING OF CREDIT.THE FIRST STEP
CLEARLY REMAINS FOR THE CAB TO ACT AS RAPIDLY AS
POSSIBLE ON THE TORONTO EXTENSION FOR AIR FRANCE. THIS
WOULD REMOVE WHAT IS CLEAR THE MAJOR OBSTACLE TO
NATIONAL'S AUTHORIZATION AND MAKE FURTHER DELAY BY
ESPEROU MORE DIFFICULT. WE COULD THEN RENEW OUR

PRESSURE ON HIM IN AN EFFORT TO OVERCOME ANY REMAINING OBSTACLE STEMMING FROM THE BRITISH CONNECTION. (ON THIS LATTER POINT, HOWEVER, THE SITUATION COULD BE COMPLICATED BY TWA'S IMMINENT FILING WITH THE DGAC, PERHAPS AS SOON AS EARLY NEXT WEEK, SCHEDULE REVISIONS PROVIDING FOR MUCH EXPANDED CAPACITY AS A HEDGE AGAINST EVENTUAL SUSPENSION OF TWA'S SERVICE TO LONDON. WE ASSUME DEPT. IS IN CONTACT WITH TWA THIS SUBJECT.) IF CAB IS DISPOSED TO ACT SOON AND FAVORABLY ON TORONTO, WE COULD ALSO GIVE THE FRENCH A TASTE OF THEIR OWN MEDICINE BY WITHHOLDING THE EFFECTIVE DATE OF THE TORONTO AUTHORIZATION UNTIL THE GOF ISSUES NATIONAL'S AUTHORIZATION. HOWEVER, QUITE APART FROM WHETHER CAB WOULD BE SO INCLINED OR WOULD FIND IT PROCEDURALLY POSSIBLE TO DO THIS, SUCH A GAMBIT WOULD LIMITED OFFICIAL USE

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BE TANTAMOUNT TO MAKING TWA'S INTERESTS AT NICE A STAKE IN FURTHERING NATIONAL'S INTERESTS AT PARIS, AND IT IS QUESTIONABLE WHETHER THE USG COULD PLACE ITSELF IN THE POSITION OF CHOOSING BETWEEN THE INTERESTS OF THE TWO US CARRIERS.
GAMMON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, NEGOTIATIONS, AIR ROUTE APPLICATIONS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 18-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS14707
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770177-0010
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770544/aaaabloq.tel
Line Count: 305
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d2cee390-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 PARIS 14362
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2470494
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: MEETING WITH DGAC
TAGS: EAIR, FR, US, NATIONAL AIRLINES
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d2cee390-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009